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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/777,970	02/06/2001	Lonnie Lindsey	100.229	3357

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EXAMINER

BLOUNT, STEVEN

ART UNIT PAPER NUMBER

2661

DATE MAILED: 07/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/777,970

Applicant(s)

LINDSEY ET AL.

Examiner

Steven Blount

Art Unit

2661

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 May 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 57-112 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 57-66, 68 - 80, 82 - 94, 96 - 108, 110 - 112 is/are rejected.
- 7) ☒ Claim(s) 67, 81, 95 and 109 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 69, 83, 97, and 111 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In these claims, in line 2, a "1:2 bypass switch" is mentioned. However, in the specification, on page 25, line 10, there is only mentioned a "1:2 splitter".

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 57 – 61, 68 – 75, 82 - 89, 96 - 103, and 110 - 112 are rejected under 35 U.S.C. 103(a) as being obvious over U.S. patent 5,488,500 to Glance in view of U.S. patent 5,493,432 to Yoneda.

With respect to claim 57, Glance teaches a first router 130 (note in col 5 lines 5+ that the filter 200 is stated to include an optical switch) and a second router 140; a tie line 138 transmitting wavelengths of light, and a user 146 connected in a full duplex loop.

Glance does not, however, teach the tie line to be comprised of a plurality of full duplex lines.

A plurality of duplex lines (one for work, one for protection) is taught in Yoneda. See the abstract and figure 1.

It would have been obvious to one of ordinary skill in the art at the time of the invention to have provided a plurality of full duplex interconnects between the routers of Glance in light of the teachings of Yoneda in order to provide a means to carry a greater volume of data in a manner wherein there is fault protection in case of a failure on one of the lines.

With regard to the following claims (hereinafter referred to as "CI", see the following:

CI 58: there is, at the least, a pair of simplex lines in members 3 and 4 of Yoneda. CI 59: the lines are looping and pt to pt. CI 60 - 61: control is taught in col 5 line 5 and 27. CI 68: add/drop: see col 4 line 63. CI 69: see the use of work and protection lines in Yoneda. CI 70: it would be obvious to have more users than lines in order to make effective use of the high bandwidth of fiber optics. CI 71 - 75, 82, 84 - 89, 96, 98 - 103, and 110 - 112: see the rejections above.

5. Claims 62 - 66, 76 - 80, 90 - 94, and 104 - 108 are rejected under 35 U.S.C. 103(a) as being obvious over U.S. patent 5,488,500 to Glance in view of U.S. patent 5,493,432 to Yoneda as applied above, and further in view of U.S. patent 5,278,687 to Jansson et al.

With regard to claim 62, Glance teaches the invention as described above, but does not teach the capability of carrying packet data within the continuous (ie, optical) data medium. This capability is taught in Jannson. See col 10 lines 23+. It would have been obvious to one of ordinary skill in the art at the time of the invention to have provided Glance/Yoneda with the capability of carrying packet data, in light of the teachings of Jannson et al in order to provide a means to help send control signals. CI 63: television signals are carried in Jannson et al. CI 64: it is stated in col 10 lines 30+ that the wavelengths can have a number of TDM channels. CI 65: note again the capability to carry packet data taught in Jannson. CI 66: RS 232 is a well known access port. CI 76 – 80, CI 90 – 94 and 104 – 108: see the rejections above.

Allowable Subject Matter

6. Claims 67, 81, 95, and 109 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

7. Examiner Steven Blount may be reached at 703-305-0319 between the hours of 9:00 and 5:30.


Ajit Patel
Primary Examiner

SB

7/9/04